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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>huc</i>
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/097,243

Applicant(s)
Manne

Examiner
Rodney Fuller

Group Art Unit
2851



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____
- received in this national stage application from the International Bureau (PCT Rule 17 2(a))

*Certified copies not received _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2, 4, 5

SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 1, last paragraph of "Amendment Concurrent With Filing And Information Disclosure Statement," the Specification was amended to insert the disclosure that: "This application is a continuation-in-part of U.S. patent application Serial No. 08/887,622 filed July 3, 1997 which is pending." However, at the time of review the current application, U.S. patent application Serial No. 08/887,622 has been issued as a patent (U.S. 5,949,522). The disclosure should be changed to indicate that the prior application has issued as a patent instead of indicating that it is pending.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

INVENTION

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4. In claim 6, lines 1-2, the limitation "wherein the nasal interface is a Tee is said conduit" is not understood by the examiner. There may be a typographical error in the sentence structure.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 5,610,674).

Martin (US 5,610,674) discloses all the structure set forth in the claims. Martin (US 5,610,674) discloses "a scent generator (see Abstract) which provides scent-laden air to a nasal interface (Fig. 1, ref.# 37) by means of a conduit (Fig. 1, ref.# 40), the nasal interface being adapted to be worn by a user of said system in close proximity to the user's nasal cavity (see Fig. 1), said nasal interface thereby providing said scent-laden air directly to said user's nasal cavity (see Abstract)."

Regarding claim 2, Martin (US 5,610,674) discloses "wherein said scent generator is a canister of compressed scent-laden air " (See Abstract last two lines)

is a mask which covers the nasal cavity of a user " (See Figure 1, ref.# 37)

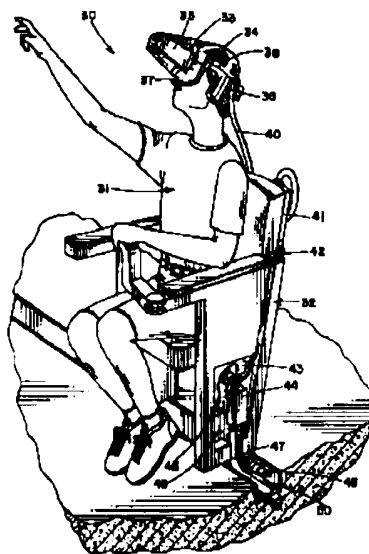
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Regarding claim 8, Martin (US 5,610,674) discloses "an exhaust conduit connected to said nasal interface to remove scent-laden air from the user's nasal area." (See column 7, lines 40-48).

Regarding claim 9, Martin (US 5,610,674) discloses "a biofeedback system" in column 3, lines 12-47.

Regarding claim 11, Martin (US 5,610,674) discloses "a mixing bed" in column 7, line 49 - column 8, line 8.

Regarding claim 14, Martin (US 5,610,674) discloses a video game system (ref.# 161) in column 7, lines 9-28 that would include a "microprocessor" for controlling the fragrance dispenser.



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Conclusion

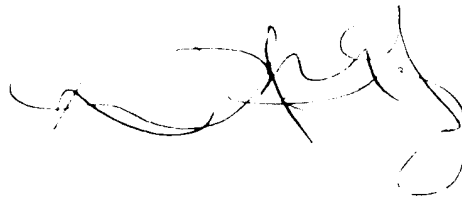
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Manne (US 5,949,522) is the resulting US Patent from the co-pending application No. 08/887,622.

Knight (US 5,522,253); Blasdel, et al. (US 5,419,317); Huang (US 5,243,972); and Cotner, et al. (US 6,019,101) each disclose an apparatus that "comprises a scent generator which provides scent-laden air to a nasal interface by means of a conduit."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703)308-2847.



DAVID M. GRAY
PRIMARY EXAMINER

REF